

**KENTUCKY BOARD OF LICENSURE FOR MASSAGE THERAPY  
REGULAR MEETING  
MINUTES  
March 27, 2007**

A regular meeting of the Kentucky Board of Licensure for Massage Therapy was held at the Division of Occupations and Professions, Frankfort, KY on March 27, 2007.

**MEMBERS PRESENT**

Roger D. Russell, Chair  
Theresa M. Crisler  
Carmen S. Fowler  
Lisa Bozarth  
Denise M. Logsdon  
Kimberly Stacy  
Sharon Wood

**OCCUPATIONS & PROFESSIONS STAFF**

Dana Hockensmith, Board Administrator  
Claude Wagner, Division Director  
Wendy Satterly

**EXCUSED**

**OTHERS PRESENT**

Cheryl Lalonde, Board Attorney  
Marilyn Gossett, Sun Touch

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**Call to Order**

Chair, Mr. Russell called the meeting to order at 9:34 A.M.

**Approval of Minutes**

Minutes of the February 27, 2007 meeting were presented for the Board's review. A motion was made by Ms. Crisler to approve the minutes, as amended. Motion seconded by Ms. Fowler, carried unanimously.

**Approval of Financial Statement**

The Board reviewed the financial statement indicating a balance of \$171,866.93 as of February 28, 2007. A motion was made by Ms. Crisler to accept the financial statement. Motion seconded by Ms. Logsdon, carried unanimously.

**Director's Report**

Mr. Wagner, Director, reported on the OAP Virtual File status. OAP started scanning on March 26, 2006. A Complaint Committee member will receive training in order to view files. Back file conversions per record retention schedule.

Reference on-line renewals, there is no verification of a felony committed. The system needs to be revised to include a question on felony convictions. Create a trigger. If a renewal application is included by reference, it must be the same on line to match up on line. Wendy Satterly will revise to include the question. The board will audit 100% until the first line of renewal through 2008. After that, we need language in the law regarding audits.

There needs to be a pro-active action on cease and desist letters being sent without board approval. Such cases include printed ads, photos, or other tangible evidence. It needs to be black and white before board administrator sends letters. Mr. Russell asked legal council what other boards do. Ms. Lalonde advised that this board is growing and are aggressive in that we listen to the galley and complaints when they

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Arrive. In her words, the board needs an active complaint because LMT's are not required to notify the Board if they choose not to renew. They owe us nothing and we cross the line by sending a cease and desist letter if we do not know for sure that they are in fact practicing. According to Ms. Lalonde, the board should not care if they have not renewed, for the concern is if they are continuing to practice without a license. Other boards may swing by the business to see if they are advertising or may check the phone book. Also, the board should not presume the LMT is breaking the law if we want to take a passive measure. The question is where this board wishes to spend its resources. Bottom line is that we need a complaint form to act upon the action, board members could check the areas, and then send a C&D letter if not renewed. Ms. Lalonde suggests again that OAP put a date on the wall plaque but Ms. Satterly states that none of the boards put dates on the wall certificates.

Regarding the reporting of anonymous complaints, if there is tangible evidence received, a board member can complete a complaint form based on the information received. Mr. Wagner suggests tweaking a checklist and developing a guideline for the board investigator to include the identifiable name, documentation, check the database, tangible evidence showing they are in violation, and then the letter goes out. Any other information must go to the complaints committee for action. Letters should also be sent certified requesting a response. If we have asked for a response and get no reply, the case goes back to the complaint committee for action. If a reply is received, the board administrator would put the response out to the board FY-I. Ms. Logsdon moved that if these guidelines are met, the board authorizes the board administrator to send the cease and desist letter, Ms. Stacey seconded, carried unanimously.

Regarding Non-Renewals, to avoid a "witch-hunt", a notice letter should be sent letting the LMT know by saying "our records indicate you have not renewed. Please be advised that you may not hold yourself out or engage in the practice of massage therapy beyond your expiration date. Please advise if you have any questions or if you wish to renew at another date". Motion made by Ms. Stacey to send a passive letter and seconded by Ms. Wood. Motion carried unanimously.

Ms. Logsdon requested a closed session reference KRS 61.810(1) (f). Closed session began at 11:00 AM. And out of closed session at 11:15 AM. A motion was made by Ms. Logsdon that the board investigator only investigates what is directed by the board. He may file a complaint but will not investigate his/her own complaints. Motion was seconded by Ms. Wood. Motion carried unanimously.

### **Chair Report - None**

#### **Complaint Review Committee**

All cases pending except # 06-03. Motion by Ms. Fowler to accept the committee report, seconded by Ms. Bozarth, accepted.

#### **Education Committee**

Motion was made by Ms. Crisler to grant a license to "JN" and seconded by Ms. Logsdon. Motion carried unanimously.

#### **Application Review Committee**

Motion was made by Ms. Logsdon to accept 26 applications for approval. Seconded by Ms. Fowler. Motion carried unanimously. 2014 total LMT's to date.

"MH" is an ongoing case.

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Committee received 5 applications for good standing and made recommendation to approve 4. Ms. Bozarth recused herself for the Natural Healing Institute of Paducah. Motion made by Ms. Wood, second by Ms. Stacey, carried unanimously. For Spenserian in Lexington and Louisville and In Touch from Huntington, W. VA, Ms. Logsdon recused herself, Motion made by Ms. Bozarth, second by Ms. Crisler, carried unanimously.

Ms. Stacey made a motion to approve a CEU provider application for CB. Motion seconded by Ms. Fowler, carried unanimously.

Ms. Fowler made a motion to approve CEU provider CC who had four programs, second by Ms. Logsdon, carried unanimously.

Mr. Bozarth requested that we start putting the approved CEU providers on the website.

Ms. Lalonde says we may need to modify the regulation to add a fee for the review.

Mr. Wagner states we need an on-going licensure report added to the file.

### **Old Business**

Regarding the Cincinnati School of Medical Massage in Burlington, the Proprietary Ed. Board sent a letter but has received no response. Issue to be tabled until the board receives an application from one of the 10 students impacted.

Regarding the supervisory survey, the issue was dealt with last month. Issue closed.

### **New Business**

Regarding the Federation of State Massage Therapy Boards, Ms. Bozarth will report next month.

### **Approval of Travel and Per Diem**

A motion was made by Ms. Crisler to approve travel and per-diem for eligible members for today's meeting. Motion seconded by Ms. Bozarth, carried unanimously.

### **Schedule Next Meeting**

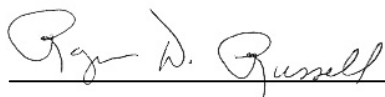
The next meeting is scheduled for April 24, 2007 at the Board office located at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky.

### **Adjournment**

With all business completed, Ms. Fowler made a motion to adjourn the meeting, seconded by Ms. Crisler, carried unanimously. The meeting adjourned at 11:55 A.M.

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### **Approved**



**Board Chair**